

CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, DC 20231, on February 1, 2000 (Date of Deposit)

2/1/00  
Date

David BERD  
Name



1225/1E251-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David BERD

Serial No.: 09/304,859

Group Art Unit: 1642

Filed: May 4, 1999

Examiner: J. Hunt

For: COMPOSITION COMPRISING TUMOR CELLS AND EXTRACTS AND METHOD OF USING THEREOF

AMENDMENT

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

In response to the outstanding Office Action dated September 1, 1999, and in accordance with Rule 111 of the Rules of Practice, please consider the following Amendment and remarks. This Amendment is accompanied by: (i) a Petition For Extension Of Time for two months to and including February 1, 2000 accompanied by the required fee, (ii) a Sequence Listing in

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to and including February 1, 2000 accompanied by the required fee, (ii) a Sequence Listing in computer readable form, (iii) a Sequence Listing in the form of a paper copy, (iv) a Statement of Compliance under 37 C.F.R. § 1.821(f) stating that the paper copy and the computer readable form of the Sequence Listing are identical, (v) a copy of the Notice To Comply With Requirements For Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures attached to the above stated Office Action, and (vi) a new Declaration.

Please amend the application as follows:

**IN THE CLAIMS:**

Please cancel claim 11 without prejudice.

Please amend the claims as follows.

1. (Amended) A method for inducing an anti-tumor response in a mammalian patient suffering from a tumor [comprising], which method comprises administering to said patient a composition comprising [a therapeutically effective amount of] a tumor cell or tumor cell extract with an adjuvant, wherein the tumor cell or tumor cell extract [that] is:
- (i) conjugated to a haptan;
  - (ii) of the same tumor type as the patient's tumor;
  - (iii) not allogeneic to said patient, and
  - (iv) incapable of growing in the body of the patient after injection; and
- repeating said administration at weekly intervals,